rules and regulations

Title I—General Provisions

CHAPTER IV—MISCELLANEOUS AGENCIES

PART 445—NATIONAL TRANSPORTATION POLICY STUDY COMMISSION (PRIVACY ACT OF 1974)

Public Access Regulations

AGENCY: National Transportation Policy Study Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting its final rule implementing the Privacy Act of 1974. The proposed regulations set forth previously under which the public may determine what systems of records the Commission maintains and also procedures on how access may be gained for purpose of review of those records are hereby adopted.

EFFECTIVE DATE: September 19, 1977.

ADDRESSES: National Transportation Policy Study Commission, 1750 K Street NW., Suite 800, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT:

Edward R. Hamberger, NTPSC, 202–254–7453.

SUPPLEMENTARY INFORMATION: On December 16, 1976, there was published in the FEDERAL REGISTER, 41 FR 54947, a notice of public access regulations pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93–579 (5 U.S.C. 552a). The public was given the opportunity to submit, not later than January 17, 1977, written comments concerning the proposed regulations. Comments by the Office of Management and Budget were received and incorporated into the regulations.

The proposed public access regulations are hereby adopted.

Signed at Washington, D.C., on September 15, 1977.

JOHN WILD,
Executive Director.

Part 445 of Title 1 of the Code of Federal Regulations is added as follows:

Sec.

AUTHORITY: 5 U.S.C. 552a; Pub. L. 93–579.

§ 445.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the National Transportation Policy Study Commission (hereafter known as the Commission) maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 445.2 Definitions.

For the purpose of these regulations—

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" includes maintain, collect, use, or disseminate;

(c) The term "record" means any item, collection, or grouping of information about an individual that is maintained by the Commission, including, but not limited to, his or her employment history, payroll information, and financial transactions that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number;

(d) The term "system of records" means group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying number symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it is collected.

§ 445.3 Procedures for requests for access to individual records in a record system.

An individual shall submit a request to the Executive Director of the Commission to determine if a system of records named by the individual contains a record pertaining to the individual. The individual shall submit a request to the Executive Director of the Commission which states the individual's desire to review his or her record.

§ 445.4 Times, places, and requirements for the identification of the individual making a request.

An individual making a request to the Executive Director of the Commission pursuant to § 445.3 shall present the request by mail or in person at the Commission office, 1750 K Street NW., Suite 800, Washington, D.C. 20006, on any business day between the hours of 9 a.m. and 5 p.m. The individuals submitting the request should be prepared to identify himself by signature; i.e., to note by signature the date of access or to produce other identification verifying the signature.

§ 445.5 Access to requested information to the individual.

Upon verification of identity the Commission shall disclose to the individual, (a) the information contained in the record which pertains to that individual, and (b) any accounting of disclosures made from the individual's record, if requested.

§ 445.6 Request for correction or amendment to the record.

The individual should submit a request to the Executive Director of the Commission which states the individual's desire to correct or to amend his or her record. This request is to be made in accord with the provisions of § 445.4.

§ 445.7 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of the request to correct or to amend the record, the Executive Director of the Commission will acknowledge in writing such receipt and promptly either—

(a) Make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his or her refusal to correct or to amend the record in accordance with the request, the reason for the refusal, and the procedures established by the Commission for the individual to request a review of that refusal.

§ 445.8 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the Executive Director of the

Commission to correct or to amend his or her record may submit a request for a review of such refusal to the Chairman, National Transportation Policy Study Commission, 312 House Office Building Annex No. 1, Washington, D.C. 20515. The Chairman will, not later than thirty working days from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the Chairman extends such thirty day period. If, after his or her review, the Chairman also refuses to correct or to amend the record in accordance with the request, the individual may file with the Commission a concise statement setting forth the reasons for his or her disagreement with the refusal of the Foundation and may seek judicial review of the Chairman's determination under 5 U.S.C. 552a(g)(1)(A).

§ 445.9 Disclosure of record to a person other than the individual to whom the record pertains.

The Commission will not disclose a record to any individual other than to the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, unless the disclosure has been listed as a "routine use" in the Commission's notices of its systems of records, or falls within one of the special disclosure situations listed in the Privacy Act (5 U.S.C. 552a(b)).

§ 445.10 Fees.

If an individual requests copies of his or her record, he or she shall be charged ten cents per page, excluding the cost of any search for review of the record in advance of receipt of the pages.

[FR Doc.77-27865 Filed 9-27-77;8:45 am]

[3410-02]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Undersized Regulation and Salable and Reserve Percentages for the 1977–78 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes marketing percentages and an undersized prune regulation for California prunes received by handlers from producers and dehydrators during the 1977–78 crop year. Under the rule, 100 percent of the prunes which meet the minimum grade and size regulations may be freely shipped by handlers to all markets. The intended effect of the undersized prune regulation is to remove the smallest and hence, the least desirable, prunes from the 1977 crop.

EFFECTIVE DATE: For the 1977–78 crop year beginning August 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3545.

SUPPLEMENTARY INFORMATION: Notice of the salable and reserve percentages and undersized prune regulation for the 1977–78 crop year was published in the August 18, 1977, issue of the FEDERAL REGISTER (42 FR 41644). No comments were received.

The marketing agreement, and Order No. 993, both as amended, regulate the handling of dried prunes produced in California. They are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Prune Administrative Committee, established under the order, is responsible for its local administration. The Committee recommended the proposal.

The Committee's recommendations are based in its estimate that California's 1977 dried prune production would approximate 156,560 tons (processed weight), and that carryin on August 1, 1977, the beginning of the 1977–78 crop year, of salable prunes from 1977 production would be about 25,000 tons. (Actual carryin on August 1, was 26,856 tons.)

The estimated 1977 production, coupled with the estimated carryin would result in a supply exceeding 1977–78 trade demand for prunes by about 11,560 tons. However, the Committee recommended no volume regulation for the 1977–78 crop year. Instead, it recommended establishment of an undersized regulation applicable to all prunes received by handlers from producers and dehydrators during that crop year. The objective of the undersized regulation would be to remove the smallest—i.e., the least desirable—prunes from the 1977 crop. Handlers cannot market undersized prunes for human consumption, but can dispose of them in nonhuman consumption outlets such as livestock feed. The Committee estimated that the proposed undersized regulation would reduce the apparent excess of about 11,560 tons by approximately 6,262 tons, still leaving sufficient prunes to fulfill foreign and domestic trade demand during the 1977–78 crop year, and provide an adequate carryout on July 31, 1978.

French variety prunes which pass freely through a screen opening $^{23}/_{32}$ of an inch in diameter are classified as undersized prunes. For non-French prunes, the opening is $^{28}/_{32}$ of an inch in diameter.

Findings. After consideration of all relevant matters, including the proposals in the notice, the recommendations of the Committee, and other available information, it is found that the following salable and reserve percentages and undersized prune regulation should be approved.

It is further found that good cause exists for not postponing its effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The provisions of the amended marketing agreement and this part also require that an undersized regulation established for a particular crop year shall be applicable to all prunes received during the crop year by handlers from producers and dehydrators; (2) the current crop year began on August 1, 1977, and the percentages and undersized regulation established herein apply automatically to such prunes beginning with such date; and (3) handlers are beginning to receive prunes in volume and no useful purpose would be served by delaying the effective time of this action.

The regulations are as follows:

1. Salable and reserve percentages for the 1977–78 crop year.

§ 993.213 Salable and reserve percentages for prunes for the 1977–78 crop year.

The salable and reserve percentages for the 1977–78 crop year shall be 100 percent and 0 percent, respectively.

2. The undersized prune regulation for the 1977–78 crop year is as follows:

§ 993.404 Undersized prune regulation for the 1977–78 crop year.

Pursuant to §§ 993.49(c) and 993.52, an undersized prune regulation for the 1977–78 crop year is hereby established. Undersized prunes are prunes which pass freely through round openings as follows: For French prunes, $^{23}/_{32}$ of an inch in diameter; for non-French prunes, $^{28}/_{32}$ of an inch in diameter.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A–107.

Dated: September 22, 1977.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.77-28565 Filed 9-27-77;8:45 am]

[3128-01]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 430—ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Test Procedures for Clothes Washers

AGENCY: Federal Energy Administration.

ACTION: Final rule.

SUMMARY: This rule prescribes final test procedures for clothes washers. Appliance test procedures are one element of the appliance energy efficiency program required by the Energy Policy and Conservation Act.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

James A. Smith (Program Office), Room 307, Old Post Office Building, 12th & Pennsylvania Avenue NW., Washington, D.C. 20461 (202–566–4635).

Jim Merna (Media Relations), Room 3104, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C. 20461 (202–566–9833).

Michael Skinker (Office of General Counsel), Room 5116, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C. 20461 (202–566–9750 or 202–566–9380).

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Energy Administration (FEA) hereby amends Part 430, Chapter II of Title 10, Code of Federal Regulations, in order to prescribe test procedures for clothes washers pursuant to section 323 (42 U.S.C. 6293) of the Energy Policy and Conservation Act (Act) (Pub. L. 94–163). Clothes washer test procedures were proposed by notice issued May 11, 1977 (42 FR 25329, May 17, 1977), which solicited oral and written comments from interested persons, and a public hearing on the proposed test procedures was held on July 19, 1977. A definition of "clothes washer" was originally proposed by notice issued May 10, 1976 (41 FR 19977, May 14, 1976). This definition was withdrawn by notice issued May 11, 1977 (42 FR 25329, May 17, 1977) and a new definition of "clothes washer" was added, including definitions for the three different classes of clothes washers: "automatic clothes washer," "semi-automatic clothes washer," and "other clothes washer."

By notice issued May 24, 1977 (42 FR 27896, June 1, 1977), FEA established Subparts A and B of Part 430, Chapter II of Title 10, Code of Federal Regulations. Certain definitions and general provisions applicable to the energy conservation program for appliances have been promulgated in Subpart A. Final test procedures for room air conditioners, dishwashers, clothes dryers, television sets, electric-refrigerators, electric refrigerator-freezers, and freezers have been prescribed in Subpart B. In addition to the final test procedures for clothes washers prescribed today, the final test procedures for water heaters are also being prescribed by separate notice. Several other test procedures have been proposed for inclusion in Subpart B. FEA has also proposed a Subpart C for appliance energy efficiency improvement targets. An outline of the provisions of Part 430 which have so far been established, including provisions in today's notices, is as follows:

SUBPART A—GENERAL PROVISIONS

Sec.

430.1 Purpose and Scope.
430.2 Definitions.

SUBPART B—TEST PROCEDURES

Sec.

430.21 Purpose and Scope.
430.22 Test Procedures for Measures of Energy Consumption.
(a) Refrigerators and refrigerator-freezers.
(b) Freezers.
(c) Dishwashers.
(d) Clothes dryers.
(e) Water heaters.
(f) Room air conditioners.
* * * * *
(h) Television sets.
* * * * *
(j) Clothes washers.
430.23 Units to be Tested [Reserved].
430.24 Representations Regarding Measures of Energy Consumption:
(a) Refrigerators and Refrigerator-freezers.
(b) Freezers.
(c) Dishwashers.
(d) Clothes dryers.
(e) Water heaters.
(f) Room air conditioners.
* * * * *
(h) Television sets.
* * * * *
(j) Clothes washers.

APPENDICES TO SUBPART B

APPENDIX A1—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF ELECTRIC REFRIGERATOR-FREEZERS

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APPENDIX B—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF FREEZERS

APPENDIX C—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF DISHWASHERS

APPENDIX D—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF CLOTHES DRYERS

APPENDIX E—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF WATER HEATERS

APPENDIX F—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF ROOM AIR CONDITIONERS

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APPENDIX H—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF TELEVISION SETS

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APPENDIX J—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF AUTOMATIC AND SEMI-AUTOMATIC CLOTHES WASHERS

B. Discussion of Comments

Comments were received from industry and consumers. Most of the comments were directed toward technical areas of the proposed test procedures, although some of the comments were specifically directed toward the information that was to be placed on the label. The comments which were directly concerned with the content of the label were more applicable to the labeling program under section 324 of the Act, rather than to the prescription of final test procedures, and were therefore forwarded to the Federal Trade Commission for consideration in developing labeling rules applicable to clothes washers. The major issues raised by the comments on the proposed test procedures are discussed below.

1. DEFINITION OF BASIC MODEL

One manufacturer commented on the proposed definition for the "basic model" of clothes washers in § 430.2 and suggested that the definition be broadened to provide that all similar models which consume an equivalent amount of energy when tested according to the proposed test procedures constitute the same basic model. The manufacturer specifically requested that the definition should allow him to group different clothes washer models in a manner which would minimize any manufacturing variations that will affect energy usage.

In response to this comment FEA has modified the proposed definition for the "basic model" of clothes washers to clarify that a single basic model includes units with any variety of different physical or functional characteristics, if these characteristics do not have any affect on the energy consumption of the particular clothes washer model being tested.

2. REPRESENTATIVE AVERAGE USE CYCLE FOR COMPACT CLOTHES WASHERS

The proposed test procedures provided a representative average use cycle for compact clothes washers of 208 cycles per year. This figure was based upon the representative average use cycle for standard clothes washers obtained from a Procter and Gamble field study (416 cycles per year), and upon the assumption that compact clothes washers would typically be used by individuals or small families.

Several of the comments recommended that the representative average use cycle for compact clothes washers should be identical to the figure used for standard clothes washers (416 cycles per year). The commenters felt that although compact clothes washers are used by smaller families or individuals, the number of cycles run on them would not vary significantly from those run on the larger machines. Their reasoning was that the predominant factor in determining frequency of use is the load makeup, which is determined by sorting practices which would not vary significantly between different size families, rather than the volume of clothes to be washed. One manufacturer felt that compact clothes washers may even be used more frequently than the standard size since the smaller size family which owns a compact uses the same separation of garments, materials, and colors as the larger family, without having the ability to wash larger loads.

NBS has reviewed the comments and agrees that family size is only one of many variables (such as the availability of duplicate linens or certain necessary items of clothing, the amount of available storage space for soiled clothing, and

the consumer's wash schedule and sorting practice), that may affect the frequency of use of a clothes washer. Therefore, in the absence of any accurate and reliable consumer usage data for compact clothes washers that would justify a different usage pattern from standard clothes washers, NBS recommends that the representative average use cycle for compact clothes washers be 416 cycles per year. FEA concurs in this recommendation and has modified the test procedures accordingly.

3. ELECTRICAL ENERGY SUPPLY

A number of comments questioned the use of the nameplate voltage that was required by the proposed test procedures to be maintained during the testing of all clothes washers. These comments suggested that a specific test voltage of 120 volts ±2 volts be required for the testing rather than the "nameplate voltage" in order to assure laboratory reproducibility. The tolerance of ±2 volts was felt to be appropriate since the amount of electrical machine energy used by the clothes washer is such a small percentage (approximately 3 percent) of the total energy necessary to run the clothes washer. FEA agrees with this suggestion and believes that requiring a specific electrical supply voltage will provide comparable energy consumption values among competing clothes washer models. Accordingly, 2.2 of Appendix J has been changed to require a specific test voltage of 120 volts ±2 volts.

4. WATER TEMPERATURE

The proposed test procedures did not require the manufacturer to regulate the temperature of the water used by the clothes washer during the test.

Several of the comments suggested, however, that the temperature of the water should be controlled, even if the machine is not equipped with a thermostatically controlled inlet water valve, since there may be variations in the volume of water used by the machine depending upon the water temperature. Thermostatically controlled inlet water valves regulate the input water temperature to predetermined temperature levels by restricting the flow of the hot or cold water to the machine as needed. When the machine is equipped with these valves, the amount of hot water used could vary significantly if the temperature of the hot and cold water lines is not controlled.

NBS conducted tests on clothes washers that were not equipped with thermostatically controlled inlet water valves which indicated that there was a slight variation in the quantity of water used by the machines for the normal washing cycle when the inlet water temperature was varied. In order to eliminate these minute variations and provide more uniform test results, NBS recommended that the temperature of the water be specified at 100° F±10° F for the testing of machines without thermostatically controlled inlet water valves. This recommended change is not considered burdensome and has been adopted by FEA in the final test procedures.

For clothes washers equipped with themostatically controlled inlet water valves, the quantity of hot water used to fill the clothes washer is determined by the temperature of the hot and cold water supply. Therefore, NBS recommends that when testing these types of machines the temperature of the hot water supply should be maintained at 140° F±5° F and the temperature of the cold water supply should be maintained at 60° F±5° F. This will reduce variations in the values for the energy consumption at different water fill levels that would have been caused by the use of water at different temperatures among manufacturers conducting the tests. FEA concurs in these recommendations and has revised 2.3 of Appendix J to reflect these changes.

5. WATER PRESSURE

Some of the comments requested that the pressure of the water supply to the clothes washer during the test be dynamically controlled and that the water pressure of the hot and cold water supply lines be equalized. The commenters felt that this procedure would enhance laboratory reproducibility.

The quantity of hot and cold water that enters the clothes washer is sensitive to pressure differences within the hot and cold water supply lines. NBS has, therefore, determined that the ability to compare laboratory test results between manufacturers will be significantly affected if any difference in the water pressure between the hot and cold water lines is permitted during the test. Based on NBS's recommendation, FEA has adopted the industry suggestion and modified 2.4 of Appendix J to specify that the water pressure be measured while the water is flowing and that it be equal within the hot and cold water supply lines at any given point in time.

6. DEFINITION OF SEMI-AUTOMATIC CLOTHES WASHER

One manufacturer suggested that the definition of "semi-automatic clothes washer" be broadened to include those models where user intervention is required to activate different wash and rinse selections after the machine is in operation.

In light of this comment, the determining factor as to whether a particular model is classified as an "automatic" or a "semi-automatic" is whether or not user intervention is required to regulate the water temperature by manually turning the external water faucet valves. This is because different temperature use factors have been provided in the test procedures depending upon whether the water temperature can be preselected by the control system of the machine or whether the user must turn the external water faucet valves to regulate the water temperature during the different wash and rinse cycles. Thus, even if user intervention is required to activate different wash and rinse selections by means of pushing a button after the machine is in operation, the model should be considered an "automatic" under the prescribed test procedures if the user did not also have to intervene to regulate the water temperature by adjusting the external water faucet valves. In light of this comment, FEA has modified the language of the definitions in § 430.2 in order to make clear the distinction between automatic and semi-automatic clothes washers.

7. CLOTHES WASHER CATEGORIES

Several of the comments recommended that the test procedures provide for four categories of clothes washers rather than the two categories, standard and compact, as originally proposed. The commenters felt that further categorization would better assist the consumer when purchasing a particular size clothes washer for particular needs. It was also suggested that a more appropriate measure for determining the size of the clothes washer for purposes of the test procedures would be the volume or cubic foot capacity of the clothes container rather than the volume of water in gallons that the clothes washer tub could hold as originally proposed.

NBS concurs with the proposal and recommends that clothes washer categories be determined by measuring the useful volume of the clothes container. NBS feels that classifying the clothes washer in this manner may encourage design innovations which would reduce the amount of water used by the machine and therefore result in less energy consumed per load, without affecting the volume of the clothes container. If the volume of water used by the clothes washer tub was used as the criterion for determining the clothes washer category, a design change that would reduce the amount of water required by the machine to wash the clothes could penalize the manufacturer by placing that particular model clothes washer in a smaller category when the actual amount of clothes washed would be the same. FEA concurs with the NBS recommendation and has modified the test procedures accordingly.

After consultation with NBS and FTC, FEA has determined that further categorization of clothes washers would not provide more representative or accurate test procedures for measuring the energy consumption or determining the estimated annual operating cost of different size clothes washers. Therefore, the final test procedures contain only two categories for clothes washers, standard and compact, as defined in 1.13 and 1.4, respectively, of Appendix J.

8. FRONT LOADER CLOTHES WASHERS

Some of the comments questioned whether the proposed test procedures intended to exclude front-loader clothes washers since no specific test method was provided to account for the different operating characteristics of these washers. While it was suggested that the testing of a front-loader could be accom-

plished by using a multiplying factor instead of a test load, it was also argued that since the conditions of water fill for this type of clothes washer are very different from top-loaders, the use of a multiplying factor for this type of machine would not be appropriate. Instead, a clothes load for the testing of a front-loader would be necessary in order to get an accurate representation of the hot water usage of this type of machine.

NBS conducted tests on front-loader clothes washers with a test load to determine the total hot water consumption at all of the available temperature settings and compared these results with those achieved from the use of an appropriate multiplying factor based on the total hot water consumed on all temperature settings, to account for the absence of a test load in the front-loader. NBS determined that an appropriate multiplying factor for front-loader clothes washers may very significantly between different models since the factor is highly dependent on the amount of water extracted between each of the phases of a wash cycle. NBS also determined that due to the water filling process of a front-loader clothes washer, a multiplying factor would be much more sensitive to design changes in the front-loader than would a multiplying factor for a top-loader. Such design changes could include the replacement of a deep rinse with a spray rinse, the extraction of different amounts of water prior to each rinse, and the use of alternate types of temperature controls. NBS has, therefore, recommended that a front-loader clothes washer be tested with a clothes load.

FEA has adopted NBS' recommendation and modified the test procedures to require the use of a seven pound test load when testing a standard size front-loader clothes washer at the maximum water fill level, and a three pound test load when testing a standard size front-loader at the minimum water fill level, and a three pound test load when testing all compact size front-loaders at either the maximum or minimum water fill levels. The size and composition of the test load is identical to that used in the final clothes dryer test procedures.

9. TEMPERATURE USE FACTORS

The proposed test procedures included temperature use factors for various wash/rinse selections for determining the hot water consumption which were obtained from 1971 survey data provided in HLW-2EC. The industry commenters felt that these factors did not realistically portray actual and timely consumer usage of hot water and that, therefore, the more recent 1975 temperature use factors in HLW-2EC should be used in the final test procedures. The commenters also requested that the test procedures make accommodations for future usage factors based on consumer surveys that would reflect less hot water usage.

After consultation with NBS, FEA has determined that the test procedures for determining the estimated annual operating cost of a clothes washer should utilize the most current and statistically valid temperature usage factors. FEA has therefore changed the test procedures to require the use of the 1975 temperature use factors provided in HLW-2EC for the determination of the estimated annual operating cost and the energy factor (as discussed below) instead of the 1971 temperature use factors originally proposed.

The industry and other interested persons are encouraged to provide any reliable data to FEA as it becomes available concerning actual consumer usage patterns of various wash/rinse temperature settings on clothes washers that would indicate less hot water usage by consumers. This data would be considered by FEA in deciding whether or not to incorporate different temperature use factors into the test procedures.

10. ENERGY FACTOR

It was suggested at the hearing that the determination of the energy factor for automatic and semi-automatic clothes washers be changed. The energy factor in § 430.22(j)(2) is presented as an additional measure of energy consumption which will be useful to the consumer in making purchasing decisions. After consultation with NBS, FEA has determined to express the energy factor in terms of the cubic foot capacity of the clothes container per kilowatt-hour consumed by the clothes washer per cycle. FEA has determined that an energy factor determined in this manner will be more meaningful to consumers and, therefore, more likely to assist the consumer in making purchasing decisions. The language of § 430.22(j)(2) has been changed to reflect this determination.

The energy factor is also used by FEA for the purpose of monitoring the energy efficiency target improvement program established under the authority of § 325 of the Act. The test method used by the industry to establish the 1972 baseline energy consumption data for clothes washers provided to FEA measured the energy consumption at the maximum water fill level only without a test load, and no adjustment was made to the figures by the use of a multiplying factor to account for the water displacement that would have resulted from the use of a test load. The 1972 baseline data was also derived through the use of the 1971 temperature use factors provided in HLW-2EC for determining the hot water usage for various wash/rinse temperature selections for automatic washers. The proposed test procedures included a test method for determining the energy factor that paralleled the conditions of the test method used by the industry to derive the 1972 baseline energy consumption data.

As mentioned above, based on industry comments to the proposed test procedures for clothes washers, FEA has determined to use the 1975 temperature use factors provided in HLW-2EC for determining the estimated annual operating cost. Based on the industry comments which recommended the use of the 1975 temperature use factors and the addition of a multiplying factor in the calculation of the energy consumed at the maximum water fill level for the normal cycle (proposed 4.7 of Appendix J), a calculation which was provided solely for the determination of the energy factor, FEA has determined to simplify the test procedures and provide consistency between the calculation of the estimated annual operating cost and the energy factor. After consultation with NBS, FEA has changed the test procedures to provide an identical test method for the determination of the estimated annual operating cost and the energy factor which utilizes 1975 temperature use factors, measures the energy consumption at both the maximum and minimum water fill levels, and provides a multiplying factor for top-loaders and a test load for front-loaders.

FEA is currently considering what changes, if any, may be required in the proposed energy efficiency target and in the 1972 baseline data for clothes washers as a necessary result of these changes in the final clothes washer test procedures.

11. SUDS-SAVER FEATURE

Some of the commenters felt that the test procedures should include a method of crediting the manufacturer for energy saved by the use of a suds-saver feature on a clothes washer. One manufacturer also requested that a provision be made in the test procedures for incorporating any future energy saving features or options that may be designed on clothes washers.

Briefly, a suds-saver feature is one which provides for the storage of used wash water in an auxiliary or external laundry tub so that it can be pumped back into the clothes washer and re-used in a subsequent wash load. The energy savings results from not having to heat up fresh wash water to perform the subsequent wash.

Therefore, NBS has determined that the suds-saver feature only saves energy when the stored wash water decreases the amount of fresh wash water that would otherwise be heated to wash another load. NBS feels that since the stored wash water is continually losing heat, the suds-saver feature will only save the energy needed to re-heat fresh water when the initial wash water came from a "hot" wash cycle and the subsequent wash load is to be run on a "warm" wash cycle. Otherwise, the stored wash water would be cold and no energy savings would result from the use of that water to replace fresh water for a "cold" wash cycle.

FEA believes that energy savings may result from the use of a suds-saver feature only when the consumer is washing multiple batch loads and only when the "hot" wash cycle was used initially. Since no actual consumer usage data is available on how often a suds-saver feature, if available, would be used, FEA has assigned a 50 percent frequency of use factor to the suds-saver feature for all "hot" wash cycles. This 50 percent figure for consumer usage of energy saving

switches when actual usage is unknown was recommended by several appliance manufacturers in public hearings held by FEA on the initial proposed energy efficiency improvement targets under § 325 of the Act.

Based on the 1975 temperature use factors provided in HLW-2EC, NBS determined that consumers would use a "hot" wash 28 percent of the time. This would reflect 116 "hot" wash loads a year based on the representative average use cycle of 416 cycles per year (0.28× 416). After assigning the 50 percent frequency of use factor to these figures, NBS has estimated that the consumer would use the suds-saver feature, if available, for 58 wash loads per year, or 14 percent of the time.

$$\left(\frac{58}{416}=.14\right)$$

FEA concurs with the NBS recommendation and has modified the test procedures in accordance with the NBS calculations to provide for crediting clothes washers equipped with a suds-saver feature.

12. NUMBER OF UNITS TO BE TESTED

Proposed section 430.23(j) provided for sampling of each basic model to be tested when testing of clothes washers is required by the Act or by program regulations of agencies responsible for administering the Act. This provision was intended both to provide an acceptable level of assurance that test results are applicable to any entire basic model for which testing is required and to minimize the testing burden on manufacturers.

The comments expressed some objections to the sampling provision for clothes washers similar in substance to the objections raised to the sampling plan proposed for room air conditioners by notices issued July 22, 1976 (41 FR 31237, July 27, 1976) and March 24, 1977 (42 FR 16811, March 30, 1977).

Test procedures prescribed under section 323 of the Act are intended to be used, for example, for labeling under section 324, in monitoring the progress of manufacturers toward accomplishing the energy efficiency improvement targets under section 325, and in enforcement testing under section 326. These aspects of the appliance program have not, however, been implemented. It is quite possible that the objectives of appliance testing under each of these parts of the program, as well as the instructions on how a test procedure should be applied (e.g., sampling of production units), may differ. FEA, NBS, and FTC are continuing to evaluate the appropriate method or methods for applying the test procedures in order to comply with the statute and satisfy all of the different elements of the appliance program.

While the various parts of the appliance program identified above are not in effect at this time, section 323(c) of the Act provides:

> Effective 90 days after a test procedure rule applicable to a covered product is prescribed unded this section, no manufacturer, distributor, retailer or private labeler may make any representation—
>
> (1) in writing (including a representation on a label), or
>
> (2) in any broadcast advertisement, respecting the energy consumption of such product or cost of energy consumed by such product, unless such product has been tested in accordance with such test procedure and such representation fairly discloses the results of such testing.

In order to eliminate the problems discussed above associated with a general sampling provision, proposed section 430.23(j) has been limited in the final test procedures to testing which section 323(c) of the Act requires regarding the advertising of clothes washers. The sampling requirements which apply only for purposes of advertising have been reorganized into section 430.24(j) of the final test procedures. Section 430.24(j) is similar to proposed section 430.23(j), but with several revisions. Most notably, the units tested are required to be representative of production units or actual production units. This change is intended to reduce the burden which might be caused by requiring post-production rating of basic models in every instance of testing pursuant to section 323(c) of the Act.

In addition, certain technical changes have been made in the sampling language. Specifically, there is to be 95 percent confidence that the true mean of any measure of the basic model lies within ±5 percent of the mean of such measure of the sample. Comments pertaining to several proposed test procedures, including clothes washers, criticized the language of the proposed sampling provisions. These comments suggested that a sampling provision should refer to the estimate of the mean rather than to the true mean. FEA has considered this suggestion and has determined that the language prescribed today is more technically correct because the statistical measures "estimate of the mean" and "mean of the sample" are generally considered to be identical. The test procedures for room air conditioners and dishwashers used both these terms in a manner that could be confusing, and the language prescribed today is intended to eliminate this potential confusion.

Until a labeling rule has been implemented pursuant to section 324, manufacturers are not required to test unless they choose to make a representation regarding a measure of energy consumption identified in or based upon section 430.22(j). It should also be emphasized that the test procedures prescribed today apply only to the initial rating of a basic model.

13. MISCELLANEOUS

After careful consideration of all of the comments and further consultation with NBS and FTC, FEA has made some editorial and minor technical changes in the proposed test procedures that were not discussed above and incorporated them in the final rule prescribed today.

C. REGULATIONS PRESCRIBED

1. TEST PROCEDURES

The test procedures for clothes washers prescribed today are included in Subpart B and are substantially the same as those proposed, with the exception of the changes discussed above. As with the proposed procedures, the test methodology incorporates the approach contained in the Association of Home Appliance Manufacturers (AHAM) Standard HLW-2EC for measuring the energy consumption of clothes washers. For purposes of FEA's program, the incorporated approach remains applicable as presently written, regardless of any subsequent amendment by the standard setting organization, until further amendment by FEA.

Under the requirements of section 32 (c) of the Federal Energy Administration Act of 1974 (15 U.S.C. 761 et. seq.) as amended by section 9 of the Federal Energy Administration Authorization Act of 1977 (Pub. L. 95-70), the Administrator of FEA is to consult with the Attorney General and the Chairman of the Federal Trade Commission concerning the impact on competition of any rules prescribed by FEA which utilize or incorporate any commercial standards.

The Administrator has transmitted copies of the test procedures for clothes washers, which incorporate the above mentioned commercial standards, to the Attorney General and the Chairman of the Federal Trade Commission for their comments concerning the impact of such standards on competition in accordance with section 32(c). Neither official has any comments nor do they recommend against the incorporation or use of these commercial standards in the final test procedures for clothes washers.

2. GENERAL PROVISIONS

Prescribed today are definitions of "clothes washer," "automatic clothes washer," "semi-automatic clothes washer," and "other clothes washer." These definitions are substantially the same as those previously proposed in Subpart A (42 FR 25329, May 17, 1977). The definition of the term "basic model" for clothes washers prescribed today is also substantially the same as the definition previously proposed in Subpart A (42 FR 25329, May 17, 1977). Comments which were received regarding the definition of "basic model" have been discussed earlier in this notice.

3. APPLICATION OF TEST PROCEDURES

As discussed previously, the final clothes washer test procedures prescribed today must be applied before representations regarding a measure of energy consumption can be made. Because the purposes and needs of the different elements of the appliance program (e.g., labeling, targets) vary, application of the standard test methodology prescribed today may differ in some respects for each program element. It is expected that instructions on how to apply the standard test methodology to these other elements of the appliance

program will be proposed for comment in the near future.

The requirements of section 430.24(j) of the final regulations apply until such time as final labeling requirements for a particular measure of energy consumption and the associated test procedure application provision are prescribed. After that time, any representation regarding a measure of energy consumption covered by a labeling rule must be the same as the measure of energy consumption specified on the label.

D. UNIT COSTS OF ENERGY

Under section 323(b)(2) of the Act, FEA is to provide manufacturers information as to the representative average unit costs of energy. This information was provided by notice issued July 11, 1977 (42 FR 36549, July 15, 1977).

E. PREEMPTION

Today's rulemaking prescribing final test procedures for clothes washers supersedes any State regulation to the extent required by section 327 of the Act. Pursuant to section 327, all State regulations which provide for the disclosure of information with respect to any measure of energy consumption of clothes washers or which provide for any energy efficiency standard or similar requirement with respect to the energy efficiency or energy use of clothes washers must now employ test procedures identical to those specified in today's final rule.

(Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Part 430 of Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below, effective November 1, 1977.

Issued in Washington, D.C., September 22, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

1. Section 430.2 is amended by adding paragraph (10) as part of the definition of "basic model," and by adding in the appropriate alphabetical order definitions of "automatic clothes washer," "clothes washer," "other clothes washer," and "semi-automatic clothes washer," to read as follows:

§ 430.2 Definitions.

* * * * *

"Basic model" means all units of a given type of covered product (or class thereof) manufactured by one manufacturer and—

* * * * *

(10) With respect to clothes washers, which have the same primary energy source, which have electrical characteristics that are essentially identical, and which do not have any differing physical or functional characteristics that affect energy consumption.

* * * * *

"Automatic clothes washer" means a class of clothes washer which has a control system which is capable of scheduling a preselected combination of operations, such as regulation of water temperature, regulation of the water fill level, and performance of wash, rinse, drain, and spin functions without the need for user intervention subsequent to the initiation of machine operation. Some models may require user intervention to initiate these different segments of the cycle after the machine has begun operation, but they do not require the user to intervene to regulate the water temperature by adjusting the external water faucet valves.

* * * * *

"Clothes washer" means a consumer product designed to clean clothes, utilizing a water solution of soap and/or detergent and mechanical agitation or other movement, and must be one of the following classes: automatic clothes washers, semi-automatic clothes washers, and other clothes washers.

* * * * *

"Other clothes washer" means a class of clothes washer which is not an automatic or semi-automatic clothes washer.

* * * * *

"Semi-automatic clothes washer" means a class of clothes washer that is the same as an automatic clothes washer except that user intervention is required to regulate the water temperature by adjusting the external water faucet valves.

* * * * *

2. Section 430.22 is amended by adding a paragraph (j) to read as follows:

§ 430.22 Test procedures for measures of energy consumption.

* * * * *

(j) *Clothes washers.* (1) The estimated annual operating cost for automatic and semi-automatic clothes washers shall be—

(i) When electrically heated water is used, the product of the following three factors: (A) The representative average-use cycle of 416 cycles per year, (B) the total per-cycle energy consumption for the normal cycle in kilowatt-hours per cycle determined according to 4.6 of Appendix J to this subpart, and (C) the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year, and

(ii) When gas-heated or oil-heated water is used, the product of: the representative average-use cycle of 416 cycles per year and the sum of both (A) the product of the per-cycle machine electrical energy consumption for the normal cycle in kilowatt-hours per cycle, determined according to 4.4 of Appendix J to this subpart, and the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator and (B) the product of the per-cycle water energy consumption for gas-heated or oil-heated water for the normal cycle, in Btu per cycle, determined according to 4.5 of Appendix J to this subpart, and the representative average unit cost in dollars per Btu for oil or gas, as appropriate, as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(2) The energy factor for automatic and semi-automatic clothes washers shall be the quotient of the cubic foot capacity of the clothes container as determined in 3.1 of Appendix J to this subpart divided by the clothes washer energy consumption per cycle, expressed as the sum of the machine electrical energy consumption and the maximum normal water energy consumption as determined in 4.4 and 4.3, respectively, of Appendix J to this subpart. The resulting be rounded off to the nearest 0.01 cubic foot per kilowatt-hour.

(3) Other useful measures of energy consumption for automatic or semi-automatic clothes washers shall be those measures of energy consumption which the Administrator determines are likely to assist consumers in making purchasing decisions and which are derived from the application of Appendix J to this subpart.

* * * * *

3. Section 430.23 is amended by adding a paragraph (j), to read as follows:

§ 430.24 Representations regarding measures of energy consumption.

* * * * *

(j) *Clothes washers.* (1) Except as provided in paragraph (j)(3) of this paragraph, no manufacturer, distributor, retailer, or private labeler of clothes washers may make any representation with respect to or based upon a measure or measures of energy consumption described in section 430.22(j) unless a sample of sufficient size of each basic model for which such representation is made has been tested in accordance with applicable provisions of this subpart such that, for each such measure of energy consumption, there is 95 percent confidence that the true mean of such measures of the basic model lies within ±5 percent of the mean of such measures of the sample.

(2) The sample selected for paragraph (j)(1) of this section shall be comprised of units which are production units, or are representative of production units, of the basic model being tested.

(3) Whenever a rule applicable to clothes washers is prescribed under section 324 of the Act, this paragraph shall not apply to any label covered by such rule, and all representations of any measure of energy consumption covered by such rule shall be identical to the measure of energy consumption on the label.

* * * * *

4. Subpart B of Part 430 is amended to add an Appendix J, to read as follows:

* * * * *

APPENDIX J—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF AUTOMATIC AND SEMI-AUTOMATIC CLOTHES WASHERS

1. DEFINITIONS

1.1 "AHAM" means the Association of Home Appliance Manufacturers.

1.2 "Bone-dry" means a condition of a load of test cloth which has been dried in a dryer at maximum temperature for a mini-

mum of 10 minutes, removed and weighed before cool down, and then dried again for 10 minute periods until the final weight change of the load is 1 percent or less.

1.3 "Clothes container" means the compartment within the clothes washer that holds the clothes during the operation of the machine.

1.4 "Compact" refers to a clothes washer which has a clothes container capacity of less than 1.6 cubic feet.

1.5 "Deep rinse cycle" refers to a rinse cycle in which the clothes container is filled with water to a selected level and the clothes load is rinsed by agitating it or tumbling it through the water.

1.6 "Front-loader" means a clothes washer which sequentially rotates or tumbles portions of the clothes load above the water level allowing the clothes load to fall freely back into the water. The principal axis of the clothes container is in a horizontal plane and the access to the clothes container is through the front of the machine.

1.7 "HWL–1" refers to the test standard published by the AHAM and titled "American National Standard Z224.1–1971 Performance Evaluation Procedure for Household Clothes Washers," December 1971 designated at HLW–1.

1.8 "HLW–2EC" means AHAM "Test Method for Measuring Energy Consumption on Household Clothes Washers," December 1975, designated as HLW-2EC.

1.9 "Make-up water" means the amount of fresh water needed to supplement the amount of stored water pumped from the external laundry tub back into the clothes washer when the suds-return feature is activated in order to achieve the required water fill level in the clothes washer.

1.10 "Normal cycle" means the cycle recommended by the manufacturer for washing cotton and/or linen clothes.

1.11 "Sensor filled" refers to a type of water fill control which automatically terminates the fill when the water reaches an appropriate level in the tub.

1.12 "Spray rinse cycle" refers to a rinse cycle in which water is sprayed onto the clothes load for a definite period of time without maintaining any specific water level in the clothes container.

1.13 "Standard" refers to a clothes washer which has a clothes container capacity of 1.6 cubic feet or greater.

1.14 "Suds-return" means a feature or option on a clothes washer which causes the stored wash water obtained by utilizing the suds-saver feature to be pumped from the external laundry tub back into the clothes washer.

1.15 "Suds-saver" means a feature or option on a clothes washer which allows the user to store used wash water in an external laundry tub for use with subsequent wash loads.

1.16 "Temperature use factor" means the percentage of the total number of washes a user would wash with a particular wash/rinse temperature setting.

1.17 "Time filled" refers to a type of water fill control which uses a combination of water flow control in conjunction with time to terminate the water fill cycle.

1.18 "Top-loader" means a clothes washer that flexes and oscillates the submerged clothes load through the water by mean of mechanical agitation or other movement. The principal axis of the clothes container is in a vertical plane and the access to the clothes container is through the top of the clothes washer.

2. TESTING CONDITIONS

2.1 *Installation.* Install the clothes washer in accordance with manufacturer's instructions.

2.2 *Electrical energy supply.* Maintain the electrical supply to the clothes washer at 120 volts ±2 volts. Disconnect all console lights or other lighting systems on the clothes washer which do not consume more than 10 watts during the clothes washer test cycle.

2.3 *Water temperature.* The temperature of the water supply shall be maintained at 100° F ±10° F for all clothes washers not equipped with thermostatically controlled inlet water valves. For clothes washers equipped with thermostatic valves, the temperature of the hot water supply shall be maintained at 140° F ±5° F and the cold water supply shall be maintained at 60° F ±5° F. The water meter shall be installed in both the hot and cold water lines to measure water consumption.

2.4 *Water pressure.* The dynamic water pressure at the hot and cold water inlet connection of the machine shall be equalized at 35 pounds per square inch gauge (psig) ±2.5 psig. The dynamic water pressure for a single water inlet connection shall be maintained at 35 psig ±2.5 psig. The water pressure gauge shall be installed in both the hot and cold water lines to measure water pressure.

2.5 *Instrumentation.* Perform all test measurements using the following instruments, as appropriate:

2.5.1 *Weighing scales.*

2.5.1.1 *Weighing scale for test cloth.* The scale shall have a range of 0 to a maximum of 30 pounds with a resolution of at least 0.2 ounces and a maximum error no greater than 0.3 percent of any measured value within the range of 3 to 15 pounds.

2.5.1.2 *Weighing scale for clothes container capacity measurements.* The scale should have a range of 0 to a maximum of 500 pounds with a resolution of 0.50 pounds and a maximum error no greater than 0.5 percent of the measured value.

2.5.2 *Watt-hour meter.* The watt-hour meter shall have a resolution of no larger than 1 watt-hour and a maximum error no greater than 2 percent of the measured value for any demand greater than 50 watts per hour.

2.5 *Thermometer.* The thremometer shall have an error no greater than ±1° F over the range of 32° F to 200° F.

2.5.4 *Water meter.* The water meter shall have a resolution no larger than 0.1 gallons and a maximum error no greater than 2 percent for all water flow rates from 1 to 5 gallons per minute.

2.5.5 *Water pressure gauge.* The water pressure gauge shall have a resolution of 1 pound per square inch gauge (psig) and shall have an error no greater than 5 percent of any measured value over the range of 32.5 to 37.5 psig.

2.6 *Test cloths.*

2.6.1 *Energy test cloth.* The energy test cloth shall be clean and consist of the following:

(a) Pure finished bleached cloth, made with a momie or granite weave, which is 50 percent cotton and 50 percent polyester and weighs 5.75 ounces per square yard and has 65 ends on the warp and 57 picks on the fill.

(b) Cloth material that is 24 inches by 36 inches and has been hemmed to 22 inches by 34 inches before washing. The maximum shrinkage after five washes shall not be more than four percent on the length and width.

(c) The number of test runs on the same energy test cloth shall not exceed 25 runs.

2.6.2 *Energy stuffer cloths.* The energy stuffer cloths shall be made from energy test cloth material and shall consist of pieces of material that are 12 inches by 12 inches and have been hemmed to 10 inches by 10 inches before washing. The maximum shrinkage after five washes shall not be more than four percent on the length and width. The number of test runs on the same energy stuffer cloth shall not exceed 25 runs.

2.7 *Composition of test loads.*

2.7.1 *Seven pound test load.* The seven pound test load shall consist of bone-dry energy test cloths which weigh 7 pounds ±0.07 pounds. Adjustments to the test load to achieve the proper weight can be made by the use of energy stuffer cloths.

2.7.2 *Three pound test load.* The three pound test load shall consist of bone-dry energy test cloths which weigh 3 pounds ±0.03 pounds. Adjustments to the test load to achieve the proper weight can be made by the use of energy stuffer cloths.

2.8 *Use of test loads.*

2.8.1 *Top-loader clothes washer.* The top-loader clothes washer shall be tested without a test load.

2.8.2 *Front-loader clothes washer.*

2.8.2.1 *Standard size front-loader clothes washer.* When the maximum water fill level is being tested, the test load shall be seven pounds as described in 2.7.1. When the minimum water fill level is being tested, the test load shall be three pounds as described in 2.7.2.

2.8.2.2 *Compact size front-loader clothes washer.* When either the maximum or minimum fill levels are being tested, the test load shall be three pounds as described in 2.7.2.

2.8.3 *Method of loading.* Load the energy test cloths by grasping them in the center, shaking them to hang loosely and then dropping them into the clothes container prior to activating the clothes washer.

2.9 *Preconditioning.* If the clothes washer has not previously been tested nor filled with water in the preceding 96 hours, precondition it by running it through a cold rinse cycle and then draining it to insure that the hose, pump, and sump are filled with water.

2.10 *Clothes washer setting.* Set the wash time for approximately 10 minutes, but the actual wash time (period of agitation) shall not be less than 9.75 minutes. Where controls are provided for agitation and spin speed, set them for the normal cycle.

3. TEST MEASUREMENTS

3.1 *Clothes container capacity.* Measure the entire volume which a dry clothes load could occupy within the clothes container, according to the procedures described in 3.1.1 and 3.1.2.

3.1.1 *Top-loaders clothes washers.* Line the clothes container with 2 mil plastic sheet or use some other method to prevent the water from entering the outer tub container. The agitator shall be in place. Fill the clothes container with water to its uppermost edge. (This filling procedure may require overriding of the fill level control, or manually completing the fill to the top of the container after the fill sensor terminates the fill at maximum level.) Record the weight of the machine before filling it with water and then after filling it with water. The clothes container capacity is calculated as follows:

$$C = \frac{W}{d}.$$

C = Capacity in cubic feet.
W = Mass of water in pounds.
d = Density of water at the measured temperature in pounds per cubic foot (at 140°F).

3.1.2 *Front-loader clothes washer.* Position the tub and shaft axis vertically with the shaft downward. Line the clothes container with 2 mil plastic sheet or use some other method to prevent the water from entering the outer tub container. The agitator shall be in place. Fill the clothes container with water to its uppermost edge. (This filling procedure may require overriding of the fill level control, or manually

completing the fill to the top of the container after the fill sensor terminates the fill at maximum level.) Record the weight of the machine before filling it with water and then after filling it with water. The clothes container capacity is calculated as follows:

$$C=\frac{W}{d}$$

C = Capacity in cubic feet.
W = Mass of water in pounds.
d = Density of water at the measured temperature in pounds per cubic foot (at 140°F).

3.2 *Test cycle.* Establish the testing conditions set forth in 2 of this Appendix.

3.2.1 *Per-cycle electrical energy consumption.* Set the water level selector at maximum fill and insert the appropriate test load, if applicable. Activate the normal cycle of the clothes washer and also any suds-saver switch.

3.2.1.1 Measure the electrical energy consumption of the clothes washer for a complete normal cycle.

3.2.2 *Hot water consumption for a normal cycle with the water level selector at maximum fill.*

3.2.2.1 Set the water level selector at maximum fill and insert the appropriate test load, if applicable. Activate the normal cycle of the clothes washer and also any suds-saver switch.

3.2.2.2 For automatic clothes washers set the wash/rinse temperature selector to the hottest setting available (hot/warm). For semi-automatic clothes washers open the hot water faucet valve completely and close the cold water faucet valve to achieve the hottest setting (hot/hot).

3.2.2.3 Measure the number of gallons of hot water used to fill the tub for the wash cycle.

3.2.2.4 Measure the total number of gallons of hot water used for all deep rinse cycles.

3.2.2.5 Measure the total gallons of hot water used for all spray rinse cycles.

3.2.2.6 For automatic clothes washers repeat 3.2.2.3, 3.2.2.4, and 3.2.2.5 for each of the other wash/rinse temperature selections available that use hot water. For semi-automatic clothes washers repeat 3.2.2.3, 3.2.2.4, and 3.2.2.5 for Hot/Cold, Warm/Cold, Warm/Warm, and Warm/Cold temperature settings with the following water faucet valve adjustments:

	Faucet position	
	Hot valve	Cold valve
Hot	Completely open	Closed.
Warm	do	Completely open.
Cold	Closed	Do.

3.2.2.7 Set the suds-saver switch to activate the suds-return. Repeat 3.2.2.2 to 3.2.2.5 for a warm/cold temperature setting.

3.2.3 *Hot water consumption for a normal cycle with the water level selector at minimum fill.* Set the water level selector at minimum fill and insert the appropriate test load, if applicable. Activate the normal cycle of the clothes washer and also any suds-saver switch. Repeat 3.2.2.2 through 3.2.2.7.

3.2.4 *Hot water consumption for clothes washers that incorporate a partial fill during the rinse cycle.* Where the procedures in 3.2.2 and 3.2.3 cannot be used for clothes washers that incorporate a partial fill during the rinse cycle, activate any suds-saver switch and operate the cloths washer for the complete normal cycle at both the maximum water fill level and the minimum water fill level for each of the wash/rinse temperature selections available that use hot water. Measure the total hot water consumed during the complete normal cycle.

3.3 *Data recording.* Record for each test cycle in 3.2.

3.3.1 Total the kilowatt-hours of electrical energy, M_E, consumed during the test to operate the clothes washer in 3.2.1.

3.3.2 Total the hot water measured at maximum fill level for each wash/rinse temperature selection, V_I, excluding any fresh make-up water required to complete the fill during a suds-return cycle.

3.3.3 Total the hot water measured at minimum fill level for each wash/rinse temperature selection, V_J, excluding any fresh make-up water required to complete the fill during a suds-return cycle.

3.3.4 Total the hot water measured at maximum fill for the suds-return cycle, S_H.

3.3.5 Total the hot water measured at minimum fill for suds-return cycle, S_L.

4. CALCULATION OF DERIVED RESULTS FROM TEST MEASUREMENTS

4.1 *Per-cycle temperature-weighted hot water consumption for maximum and minimum water fill levels.* Calculate for the cycle under test the per-cycle temperature-weighted hot water consumption for the maximum water fill level, V_{max}, and for the minimum water fill level, V_{min}, expressed in gallons per cycle and defined as:

$$V_{max}=X_1\sum_{i=1}^{n}[V_i\times TUF_i]+X_2[TUF_w\times S_H]$$

where
V_i = Reported hot water consumption in gallons per-cycle at maximum fill for each wash/cycle temperature selection, as provided in 3.2.2.
TUF_i = Applicable temperature use factor corresponding to wash/rinse temperature selection as shown in 5 or 6.
n = Number of wash/rinse temperature selections available to the user for the clothes washer under test.
TUF_w = Temperature use factor for warm wash setting.

For clothes washers equipped with suds-saver feature:
X_1 = Frequency of use without suds-saver feature = .86.
X_2 = Frequency of use with suds-saver feature = .14.

For clothes washers not equipped with suds-saver feature:
X_1 = 1.0
X_2 = 0.0
S_H = Fresh make-up water measured during suds-return cycle at maximum water fill level.

and

$$V_{min}=X_1\sum_{j=1}^{n}[V_i\times TUF_i]+X_2[TUF_w\times S_L]$$

where
V_j = Reported hot water consumption in gallons per cycle at minimum fill for each wash/rinse temperature selection, as provided in 3.3.3.
TUF_i = Applicable temperature factor corresponding to wash/rinse temperature selection as shown in 5 or 6.
S_L = Fresh make-up water measured during suds-return cycle at minimum water fill level.
n = As defined above
TUF_w = As defined above.
X_1 = As defined above.
X_2 = As defined above.

4.2 *Total per-cycle hot water energy consumption for maximum and minimum water fill levels.* Calculate the total per-cycle hot water energy consumption for the maximum water fill level, E_{max} and for the minimum water level, E_{min}, expressed in kilowatt-hours per cycle and defined as:

$$E_{max}=[V_{max}\times T\times K\times MF]$$

where
MF = Multiplying factor to account for the absence of a test load = 0.94 for top-loader clothes washers that are sensor filled, 1.0 for top-loader clothes washers that are time filled, and 1.0 for all front-loader clothes washers.
T = Temperature rise = 90° F.
K = Water specific heat in kilowatt-hours per gallon degree F = 0.00240.
V_{max} = As defined in 4.1.

and

$$E_{min}=[V_{min}\times T\times K\times MF].$$

where
MF = As defined above.
T = As defined above.
K = As defined above.
V_{min} = As defined in 4.1.

4.3 *Total weighted per-cycle hot water energy consumption expressed in kilowatt-hours.* Calculate the total weighted per-cycle hot water energy consumption, E_T, expressed in kilowatt-hours per cycle and defined as:

$$E_T=[E_{max}\times F_{max}]+[E_{min}\times F_{min}].$$

where
F_{max} = Usage fill factor = 0.72.
F_{min} = Usage fill factor = 0.28.
E_{max} = As defined in 4.2.
E_{min} = As defined in 4.2.

4.4 *Per-cycle machine electrical energy consumption.* The value recorded in 3.3.1 is the per-cycle machine electrical energy consumption, M_E, expressed in kilowatt-hours per cycle.

4.5 *Per-cycle water energy consumption using gas-heated or oil-heated water.* Calculate for the normal cycle the per-cycle water consumption, E_{TG}, using gas-heated or oil-heated water, expressed in Btu per cycle and defined as;

$$E_{TG}=E_T\times\frac{1}{e}\times 3412\ Btu/Kwh.$$

where
e = Nominal gas or oil water heater efficiency = 0.75.
E_T = As defined in 4.3.

4.6 *Total per-cycle energy consumption when electrically heated water is used.* Calculate for the normal cycle the total per-cycle energy consumption, E_{TE}, using electrically heated water, expressed in kilowatt-hours per cycle and defined as:

$$E_{TE}=E_T+M_E$$

M_E = As defined in 4.4
E_T = As defined in 4.3.

5. APPLICABLE TEMPERATURE USE FACTORS FOR DETERMINING HOT WATER USAGE FOR VARIOUS WASH/RINSE TEMPERATURE SELECTIONS FOR ALL AUTOMATIC CLOTHES WASHERS

5.1 *Five temperature selection ($n=5$).*

Wash/rinse temperature setting:	*Temperature use factor (TUF)*
Hot/warm	0.18
Hot/cold	.12
Warm/warm	.30
Warm/cold	.25
Cold/cold	.15

5.2 *Four temperature selection (n=4).*

Wash/rinse temperature setting—alternate I:	*Temperature use factor (TUF)*
Hot/warm	0.18
Hot/cold	.12
Warm/cold	.55
Cold/cold	.15
Alternate II:	
Hot/warm	0.18
Hot/cold	.12
Warm/warm	.30
Warm/cold	.40
Alternate III:	
Hot/cold	0.12
Warm/warm	.18
Warm/cold	.55
Cold/cold	.15

5.3 *Three temperature selection (n=3).*

Wash/rinse temperature setting:	*Temperature use factor (TUF)*
Alternate I:	
Hot/warm	0.30
Warm/cold	.55
Cold/cold	.15
Alternate II:	
Hot/cold	0.30
Warm/cold	.55
Cold/cold	.15
Alternate III:	
Hot/cold	0.30
Warm/warm	.55
Cold/cold	.15

6. APPLICABLE TEMPERATURE USE FACTORS FOR DETERMINING HOT WATER USAGE FOR VARIOUS WASH/RINSE TEMPERATURE SETTINGS FOR ALL SEMI-AUTOMATIC CLOTHES WASHERS

6.1 *Six temperature settings (n=6).*

Wash/rinse temperature setting:	*Temperature use factor (TUF)*
Hot/hot	0.15
Hot/warm	.09
Hot/cold	.06
Warm/warm	.42
Warm/cold	.13
Cold/cold	.15

[FR Doc.77-28372 Filed 9-27-77;8:45 am]

[4210-01]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-350]

PART 16—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Specific Exemptions

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: The Secretary is amending HUD's Privacy Act Regulations to give the public notice of recently adopted specific exemptions exercised by the Department. The Secretary is also making a minor editorial change that substitutes the term "Privacy Act Officer" for "Privacy Officer" wherever it appears in Part 16. This change conforms to the wording of the Act.

EFFECTIVE DATE: October 27, 1977.

ADDRESS: Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold Rosenthal, Departmental Privacy Act Officer, Room 3176, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410 (202-755-5192).

SUPPLEMENTARY INFORMATION: This amendment exempts records contained in HUD systems of records identified in this rule so that the person who is a subject of the records may be denied: (1) Access to the records; (2) the opportunity to correct or amend the records; and (3) an accounting of non-HUD sources which have received the records. These exemptions have been previously adopted as part of the Notice of Systems of records and are hereby being incorporated into the Department's Code of Federal Regulations to provide greater visibility to the public.

The specific exemptions provided for by 5 U.S.C. 552a(k) were published on August 28, 1975, at 40 FR 39738 and adopted on October 8, 1975, at 40 FR 47435, effective September 27, 1975, for the following systems of records: (1) Investigation Files in the Office of the Inspector General (HUD/DEPT-24); (2) Legal Action Files (HUD/DEPT-25); and (3) Interstate Land Sales Registration Investigation (HUD/OILSR-2). By amendment, the Secretary adopted on April 26, 1977, at 42 FR 21323 a specific exemption under 5 U.S.C. 552a(k)(2) entitled Equal Opportunity Housing Complaints (HUD/DEPT-15). This amendment incorporates the previously adopted specific exemptions in the Department's Privacy Act Regulations at § 16.15.

The Final Rule differs from the interim Rule due to the deletion of the system entitled Interstate Land Sales Registration Investigation (HUD/OILSR-2). Subsequent to the publishing of the Interim Rule (June 16, 1977, at 42 FR 30617), the Department determined that the records contained in this system are not subject to the Privacy Act. These records are retrieved by name of subdivision or by name of subdivision developer. A Notice is being prepared to delete this system from HUD's inventory of Privacy Act systems of records.

This amendment was published as an Interim Rule on June 16, 1977, at 42 FR 30617, allowing for comments by July 18, 1977. No comments were received from the public.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the address set forth above.

NOTE.—It is hereby certified that the economic and inflationary impacts of this interim rule have been carefully evaluated in accordance with OMB Circular A-107.

Accordingly, Part 16 of Subpart A of Title 24 of the Code of Federal Regulations is amended as follows:

1. Section 16.15 is amended to read:

§ 16.15 Specific exemptions.

Whenever the Secretary of Housing and Urban Development determines it to be necessary and proper, with respect to any system of records maintained by the Department, to exercise the right to promulgate rules to exempt such systems in accordance with the provisions of 5 U.S.C. 552a(k), each specific exemption, including the parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justification for each exemption shall be published in the FEDERAL REGISTER as part of the Department's Notice of Systems of Records.

(a) Exempt under 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), (I), and (f). This exemption allows the Department to withhold records compiled for law enforcement purposes. The reasons for adopting this exemption are to prevent individuals, who are the subjects of investigation, from frustrating the investigatory process, to ensure the integrity of the investigatory process, to ensure the integrity of law enforcement activities, to prevent disclosure of investigative techniques, and to protect the confidentiality of sources of information. The names of systems correspond to those published in the FEDERAL REGISTER as part of the Department's Notice of Systems of Records.

(1) HUD/DEPT-15. Equal Opportunity Housing Complaints.

(2) HUD/DEPT-24. Investigation Files in the Office of the Inspector General.

(3) HUD/DEPT-25. Legal Action Files.

(b) Exempt under 5 U.S.C. 552(k)(5) from the requirements of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f). This exemption allows the Department to withhold records compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal contracts, or access to classified material. The reasons for adopting this exemption are to insure the proper functioning of the investigatory process, to insure effective determination of suitability, eligibility and qualification for employment and to protect the confidentiality of sources of information. The names of systems correspond to those published in the FEDERAL REGISTER as part of the Department's Notice of Systems of Records.

(1) HUD/DEPT-24. Investigation Files in the Office of the Inspector General.

(2) HUD/DEPT-25. Legal Action Files.

§§ 16.1—16.6, 16.8—16.12 and Appendix A—[Amended]

2. The term "Privacy Officer" is changed to read "Privacy Act Officer" wherever that term appears in §§ 16.1, 16.2, 16.3, 16.4, 16.5, 16.6, 16.8, 16.9, 16.10, 16.11, 16.12, and Appendix A.

(5 U.S.C. 552a; sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., September 14, 1977.

JAY JANIS,
Under Secretary of Housing and Urban Development.

[FR Doc.77-28405 Filed 9-27-77;8:45 am]

[4210-01]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI-3367]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

Withdrawal of Flood Insurance Maps; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of final rule.

SUMMARY: This document corrects a final rule announcing withdrawal of a Federal Insurance Administration Flood Hazard Boundary Map that appeared on page 42 FR 46104 of the FEDERAL REGISTER of October 6, 1975 (40 FR 46104).

EFFECTIVE DATE: April 18, 1975.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

THE FOLLOWING CORRECTION IS MADE: Column four for the listing for Lafourche Parish, LA, should read I 22 057 0000 03-04; Vol. 36, No. 90, p. 8566. The Flood Hazard Boundary Map No. H 22 057 0000 03-04 is considered to be effective as of May 8, 1971. Any persons who in reliance on the FEDERAL REGISTER Notice of Final Rule believe their interests have been adversely affected by this correction should immediately contact Mr. Richard Krimm at the address above.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-28247 Filed 9-27-77;8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 798-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Revision to the District of Columbia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of an amendment to the District of Columbia Air Quality Control Regulations as a revision of the District of Columbia State Implementation Plan (SIP). The revision consists of the addition of section 8-2:707(f) (Organic Solvents) to the approved SIP. This regulation limits the amount and degree of control of organic solvents, both "photochemically reactive" and "non-photochemically reactive", that may be emitted into the atmosphere in any given hour and/or on any given day.

EFFECTIVE DATE: October 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold A. Frankford (3AH11) Air Programs Branch, U.S. Environmental Protection Agency, Curtis Building, Sixth & Walnut Streets, Philadelphia, Pa. 19106. Telephone: (215-597-8392).

SUPPLEMENTARY INFORMATION: On December 6, 1973 (38 FR 33702), the Administrator of the Environmental Protection Agency promulgated a transportation control plan for the District of Columbia portion of the National Capital Interstate Air Quality Control Region. This plan, which to the maximum extent practicable reflected the control strategies preferred by the District of Columbia, included measures such as mass transit controls, emission inspection programs and additional stationary source controls.

On March 22, 1974, the District of Columbia submitted to the EPA Regional Administrator amendments to the District's Air Quality Control Regulations. The District requested that the amendments be reviewed and processed as revisions to its State Implementation Plan (SIP). The revisions would replace or change portions of the federally promulgated Transportation Control Plan for the District of Columbia. The submission consisted of regulations governing storage of petroleum products (Section 8-2:707(a), control of volatile organic compounds from loading gasoline into tank trucks, trailers, and railroad tank cars (section 8-2:707(b)), control of vapors from gasoline transfer (section 8-2:707(c)), control of evaporative losses from filling of vehicular tanks (section 8-2:707(d)), control of dry cleaning solvent evaporation (section 8-2:707(e)), control of organic solvents (section 8-2:707(f)), and definitions of terms used in these regulations (section 8-2:702).

On May 13, 1974, the District provided certification to the Regional Administrator that after publishing adequate public notice, a hearing on the proposed amendment was held on September 24, 1973, as required by 40 CFR section 51.4.

On August 29, 1974 (39 FR 31532), the Regional Administrator acknowledged receipt of these amendments and proposed certain ones as revisions to the District of Columbia SIP. However, because the District's regulation for the control of organic solvents, section 8-2:707(f), raised questions about the feasibility of enforcing the required emission limitation when applied to architectural coatings, the Administrator did not propose the amendment dealing with control of organic solvents, section 8-2:707(f), as a revision to the District of Columbia's Implementation Plan. On June 16, 1976, the District submitted further documentation which explains that the regulation does not apply to architectural coatings, thereby alleviating the Administrator's earlier concerns regarding the District's organic solvent regulation.

The amendment consists of the following requirements:

(1) No person shall discharge into the atmosphere more than 15 pounds of photochemically reactive solvents in any one day, nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance, unless the uncontrolled organic emissions are reduced by at least 85 percent.

(2) No person shall discharge into the atmosphere more than 40 pounds of non-photochemically reactive solvents in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment or other contrivance, unless the uncontrolled organic emissions are reduced by at least 85 percent. Dry cleaning operations are exempt from the requirements of this paragraph.

On April 1, 1977 (42 FR 17496), the Acting Regional Administrator proposed the amendment to section 8-2:707(f) as a revision of the District of Colnmbia State Implementation Plan and provided for a 30-day public comment period ending May 2, 1977. During the public comment period, no comments were received.

In addition to the issue as to whether the provisions of section 8-2:707(f) would apply to control of architectural coatings, EPA evaluated this SIP revision in relation to the latest information available concerning reactivity levels of organic solvents. It is now evident that organic solvents other than those previously defined as "photochemically reactive" may be significantly contributing to the formation of photochemical oxidants. The Administrator has determined that the provisions of section 8-2:707(f) are sufficiently stringent to control emissions from all organic solvents and minimize such contribution from sources located within the District EPA encourages states to adopt stringent regulations controlling emissions from organic solvents, especially in air quality control regions or portions thereof that